



Department of Energy

Washington, DC 20585

Dear DOE Contractor:

Re: 10 CFR 851, *WORKER SAFETY AND HEALTH PROGRAM*,
APPLICABILITY DETERMINATION AND YOUR IMPLEMENTATION
METHOD

The Department of Energy (DOE) issued Title 10 Code of Federal Regulation (CFR) Part 851, *WORKER SAFETY AND HEALTH PROGRAM*, on February 9, 2006. This rule establishes the worker safety and health requirements governing the conduct of contractor activities at DOE-controlled workplaces. For your convenience, please find enclosed the Office of Health, Safety and Security Advisory that summarizes the 10 CFR 851 requirements. Further information about this rule, including its full text, may be found at http://www.hss.energy.gov/HealthSafety/WSHP/rule851/851_final.html or you can contact the Office of Worker Protection Policy (HS-11) in the Office of Health, Safety, and Security (telephone 301-903-6061).

The Department of Energy has determined that 10 CFR 851 applies to your contract(s) that is/are performed in DOE space. Given this determination, you are required to submit a Worker Safety and Health Program to my office that describes your methods for implementing the requirements of 10 CFR 851 Subpart C and Appendix A for your contracts. If the nature of the work for your contract(s) involves only office environment type hazards, you may submit a letter agreeing to abide by the requirements in the DOE Headquarters Safety and Health Program for Federal Employees. If you choose to use this approach, please provide me with a letter to this effect. If you choose not to adopt the DOE Headquarters Occupational Safety and Health Program for Federal Employees or if you determine that your contract(s) expose(s) your workers to hazards that are not limited to office environment type hazards, then you must provide your specific Worker Safety and Health Program as part of your response as well as your implementation method(s) and schedule. If you have already submitted a letter or documents in response to the requirements of Part 851, please provide details of that response for the purpose of coordination and follow-up by this office. In your response (whether letter submittal or Worker Safety and Health Program submittal), please identify each of your DOE contracts by number to which your letter or Program will apply.

Title 10 CFR 851 also applies to your subcontractors, at all tiers, that are performing work in DOE space. Please inform your subcontractors of these requirements and include their signed Worker Safety and Health Program submittal or letter along with yours.

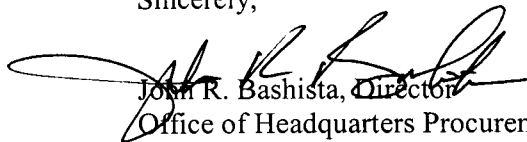
You are required to respond to this letter within 30 days of its issuance. Please submit your response to Mr. Craig Ashline, Procurement Analyst, MA-644/L'Enfant Plaza Building, U. S. Department of Energy, 1000 Independence Avenue, S. W., Washington, D. C. 20585-1615. Please note that the rule requires that an approved Worker Safety and Health Program be in place by May 25, 2007. Your active involvement in implementing this worker safety and health rule is crucial to maintaining a safe and healthful workplace for your employees and those with whom they work. You are advised that the Department does not anticipate that this will increase costs under the contract.



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If you have any questions regarding 10 CFR 851, contact David Weitzman at (301) 903-6061 if your contract is performed outside the Headquarters complex or Cherylynn Williams at (202) 586-1005 if your contract is performed in the DOE Headquarters (Washington, D.C. or Germantown, MD. areas).

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Bashista", is written over the printed name.

John R. Bashista, Director
Office of Headquarters Procurement Services
Office of Procurement and Assistance
Management